



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,612	05/25/2000	Georgia Hilton	P/48-1	7248

7590

04/05/2004

Mark Levy  
SALZMAN & LEVY  
Press Building - Suite 902  
19 Chenango Street  
Binghamton, NY 13901

EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
----------	--------------

2644

DATE MAILED: 04/05/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/578,612

Applicant(s)

HILTON, GEORGIA

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27-40 is/are pending in the application.
- 4a) Of the above claim(s), \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-33,39 and 40 is/are rejected.
- 7) ☒ Claim(s) 34-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2644

## DETAILED ACTION

### *Response to Amendment*

1. Regarding claims 27-40, the newly submitted claims in regards to the notice of non-compliance should read as follows: -- Claim 27 (previously presented) --, instead of "Claim 27 (New)". Thus, each claim 27-40 should be recognized in the same manner; "(previously presented)".
2. The indicated allowability of claim 18 (now claim 32) is withdrawn in view of the newly discovered reference(s) to McClennon et al. Rejections based on the newly cited reference(s) follow.

### *Claim Objections*

3. **Claims 28-40** are objected to because of the following informalities: claims 28-40 depend from cancelled claims. For examination purposes, the claims will be considered as follows: claim 28 depends from claim 27; claim 29 depends from claim 28; claim 30 depends from claim 29; claim 31 depends from claim 30; claim 32 depends from claim 31; claim 33 depends from claim 30; claim 34 depends from claim 30; claim 35 depends from claim 34; claim 36 depends from claim 30; claim 37 depends from claim 30; claim 38 depends from claim 37; and claim 40 depends from claim 30. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 27-32, and 39** are rejected under 35 U.S.C. 102(e) as being anticipated by McClennon et al., U. S. Patent No. 6408327.

Regarding claim 27, McClennon et al. (herein, McClennon) discloses synthetic stereo conferencing over LAN/WAN. McClennon's disclosure comprises a stereo audio conferencing system for a plurality of users, wherein each user may be in a different room to receive a multi-channel signal (col. 1, lines 58-60 and 67, and col. 2, lines 1-2; and figure 1), which reads on a plurality of audio spaces with at least one listener for each audio space for listening to a reproduce sound, wherein a substantially acoustically identical enclosures are inherently taught as evident by the fact of the audio stereo clients (figure 1, references 25, 35 and 45, col. 3, lines 31-63) with the same complimentary speakers (figure 1, references 21/23, 31/33, 41/43, col. 3, lines 31-63) and microphone (figure 1, references 22/32/42, col. 3, lines 31-63) that are provided for each listener/user; which as well reads on substantially identical means for reproducing sound; a composite signal in provided to each client to output to a user (col. 2, lines 7-14), which reads on the listener receiving a substantially identical listening experience, therein.

Regarding claim 28, McClennon discloses everything claimed as applied above (see claim 27). McClennon discloses a network via LAN/WAN for connecting the plurality of clients (figure 1, reference 50, and col. 2, lines 3-7, col. 3, lines 31-34), which reads on plurality of audio spaces further comprising means for selectively operably connecting one of a said plurality of audio spaces to at least one other thereof.

Regarding claim 29, McClennon discloses everything claimed as applied above (see claim 28). McClennon discloses a network via LAN/WAN for connecting the plurality of clients (figure 1, reference 50, and col. 2, lines 3-7, col. 3, lines 31-34), which reads on means for selectively operably connecting comprising an electrical connection.

Regarding claim 30, McClennon discloses everything claimed as applied above (see claim 29). McClennon discloses that the audio signal is received and transmitted as a composite signal via LAN/WAN (col. 3, lines 36-40 and figure 1-reference 50), which reads on substantially identical audio signal is transmitted across said electrical connections and is substantially simultaneously applied to each of said means for reproducing sound associated with each of the plurality of audio spaces joined by the electrical connection.

Regarding claim 31, McClennon discloses everything claimed as applied above (see claim 30). McClennon discloses that the audio signal is received and transmitted as a composite signal via LAN/WAN (col. 3, lines 36-40 and figure 1-reference 50) such as the Internet, IP and others (col. 5, lines 42-64) to the clients, wherein the clients and users may each be in a different room, which reads at least two of the plurality of audio spaces being spaced apart from each other and the electrical connection being a communication link.

Regarding claim 32, McClennon discloses everything claimed as applied above (see claim 31). McClennon discloses that the audio signal is received and transmitted as a composite signal via LAN/WAN (col. 3, lines 36-40 and figure 1-reference 50), such as the Internet, IP and others (col. 5, lines 42-64), which reads on the communication link being comprising at least one of the group of a high-speed WAN, high-speed LAN, wide area matrix network, Internet, ISDN link, Ednet, and RocketNet.

Regarding claim 39, McClennon discloses everything claimed as applied above (see claim 30). McClennon discloses that a personal computer may be implemented wherein a video image applicable with IP (col. 5, lines 55-64), which reads on means of displaying video image.

6. **Claims 13-17 and 25** are rejected under 35 U.S.C. 102(e) as being anticipated by Gore et al., U. S. Patent No. 6370254.

Regarding **claim 13**, Gore et al. (herein, Gore) discloses an audio-visual reproduction. Gore's disclosure comprises a reproduction system with a plurality of audio-visual devices within an acoustic environment in a large space comprising one or more rooms with listeners, each room may comprises an audio-visual device for reproducing audio, which reads on substantially acoustically identical enclosures and substantially acoustically identical means for reproducing sound accommodated by a listener receiving a common audio-visual signal (col. 1, lines 42-52 and figure 1).

Regarding **claims 14-17** Gore discloses everything claimed as applied above (see claim 13). Gore further discloses a connection among the room via cable (25), which reads on connecting the audio spaces and electrical connection (col. 11, lines 7-13).

Regarding **claim 25**, Gore discloses everything claimed as applied above (see claim 16).  
Gore further discloses an audio-visual reproduction with a video source (abstract).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 33** is rejected under 35 U.S.C. 103(a) as being unpatentable over McClennon.

Regarding claim 33, McClennon discloses everything claimed as applied above (see claim 30). McClennon discloses that a personal computer may be utilized as a client, and obviously a personal computer used with transmission of audio via the Internet (digital capabilities) constitutes as DAW, wherein obviously the PCs function substantially the same. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of McClennon by providing a plurality of sound reproducing means as DAWs for the purpose of enhancing audio signaling processing among a plurality of audio signals.

9. **Claim 40** is rejected under 35 U.S.C. 103(a) as being unpatentable over McClennon in view of Lane et al., U. S. Patent No. 6542611.

Regarding claim 40, McClennon discloses everything claimed as applied above (see claim 30). McClennon fails to specifically disclose one of the audio spaces as an audio production studio.

Regarding the audio reproduction studio, Lane et al. (herein, Lane) discloses transmission of audio signals via various transmission mediums such as the telephone, a modem and others to a production studio (col. 4, lines 61-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of McClennon by providing an audio production studio as one of the pluralities of audio space for the purpose of enhancing conferencing applications.

#### ***Allowable Subject Matter***

10. **Claims 34-38** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

11. Applicant's arguments with respect to claims 13-26 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues that the prior art rejection of Gore et al. and Brooks, respectively fails to disclose the claimed invention as amended, in respect to "the substantially acoustically identical enclosures" in view of how "acoustical identical" has been specifically defined via an alternate resource. However, in view of the cited definition of the "acoustical



identical” by the applicant in his arguments, the phrase is still interpreted to the broadest interpretation in respect to the claim language provided in the claimed invention. The term, “acoustical identical” has not been further limited in the claim language of the claim. Any environment, particularly a room, is adapted to accommodate a listener for listening to sound merely by the common structure of a room itself (four walls, and a ceiling, etc.). Regarding the Gore reference, the teachings of Gore are maintain, merely because the components of the Gore supports the claim language of the claims in respect to the broadest interpretation, even though Gore’s patent is directed to volume control. Another reference of prior art has been solely in a rejection of the independent claim 27 and other dependents in support of the teachings of the claim language of the claimed invention. The new reference of prior art teaches a plurality of audio spaces (different rooms), each with an audio reproducing devices which may be capable the each in structure and function where a common audio signal is provided to a listener in that room. The rejection of Brooks in view of In re Harza has been removed in view of the new rejection set forth in the Office Action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Forester W. Isen can be reached on (703) 305-4386.

Art Unit: 2644

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks


Washington, D.C. 20231

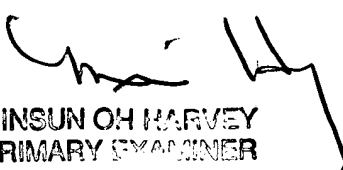
**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG   
March 30, 2004

  
MINSUN OH HARVEY  
PRIMARY EXAMINER